

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)
Daisuke KUMAKI et al.)
Serial No.: 10/582,718)
Filed: June 12, 2006)
For: Light Emitting Device)
Art Unit: 2814)
Examiner: Phat X. Cao)
Confirm No.: 6557)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF VERIFIED ENGLISH TRANSLATION
OF PRIORITY DOCUMENT

Dear Sir:

In furtherance of Response (A) To Office Action filed on May 6, 2009, Applicants are submitting herewith a verified English translation of the priority document Japanese patent application serial number 2004-278259 filed September 24, 2004 in Japan.

In the Office Action, the Examiner rejects Claims 1-2, 6-7, 12-13 and 15 under 35 USC §102(e) as being anticipated by Matsumoto et al. (US 2005/0098207). This rejection is respectfully traversed.

As Applicants explained in Response A, Matsumoto is not prior art to the present application.

More specifically, Matsumoto was published on May 12, 2005 based on a U.S. filing date of November 8, 2004.

The present application is a US national stage application filed on June 12, 2006 under 35 USC 371 which claims priority to international application no. PCT/JP2005/017076 filed on September 9, 2005 which claims priority under 35 USC §119 of Japanese patent application serial number 2004-278259 filed September 24, 2004 in Japan. Applicants are submitting herewith a verified English translation of Japanese patent application serial number 2004-278259. Therefore, Applicants are entitled to claim the benefit of the September 24, 2004 filing date of this priority application.

Hence, as the §119 priority filing date of the present application is prior to the U.S. filing date of Matsumoto, Matsumoto is not prior art to the present application.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

Please charge our deposit account 50/1039 for any fee due for this submission.

Favorable reconsideration is earnestly solicited.

Date: June 2, 2009

Respectfully submitted,

/Mark J. Murphy/
Mark J. Murphy
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